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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

|                           |                                      |
|---------------------------|--------------------------------------|
| UNITED STATES OF AMERICA, | ) No. 3:19-cr-00093-RRB-MMS          |
|                           | )                                    |
| Plaintiff,                | ) <u>COUNT 1:</u>                    |
|                           | ) FELON IN POSSESSION OF             |
| vs.                       | ) AMMUNITION                         |
|                           | ) Vio. of 18 U.S.C. §§ 922(g)(1) and |
| JAMES EDWARD BARBER,      | ) 924(a)(2)                          |
|                           | )                                    |
| Defendant.                | ) <u>CRIMINAL FORFEITURE</u>         |
|                           | ) <u>ALLEGATION:</u>                 |
|                           | ) 18 U.S.C. § 924(d) and             |
|                           | ) 28 U.S.C. § 2461(c)                |
| _____                     | )                                    |

S U P E R S E D I N G   I N D I C T M E N T

The Grand Jury Charges that:

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COUNT 1

Beginning on or about a date unknown to the Grand Jury, but not later than July 21, 2019, and ending on or about August 9, 2019, within the District of Alaska, the defendant, JAMES EDWARD BARBER, knowingly having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, ammunition, to wit, .22 caliber ammunition.

Convictions

| <b>Court</b>                                    | <b>Case #</b> | <b>Offense of Conviction</b>   | <b>Date of Conviction</b> |
|---|---------------|--|---------------------------|
| Superior Court for the State of Alaska at Sitka | 1SI-09-346CR  | AS 11.71.040(a)(3)(A): Misconduct Involving a Controlled Substance in the 4 <sup>th</sup> Degree   | February 2, 2010          |
| Superior Court for the State of Alaska at Sitka | 1SI-10-446CR  | CTN 1:<br>AS 11.61.195(a)(3)(B): Misconduct Involving Weapons in the 2 <sup>nd</sup> Degree – Discharge Firearm at Dwelling                  | October 4, 2012           |
| Superior Court for the State of Alaska at Sitka | 1SI-10-446CR  | CTN 2: AS 11.61.200(a)(10): Misconduct Involving Weapons in the 3 <sup>rd</sup> Degree – Felon Residing in Dwelling with Concealable Firearm | October 4, 2012           |
| Superior Court for the State of Alaska at Sitka | 1SI-10-446CR  | CTN 4: AS 11.56.610(a)(1): Tampering with Physical Evidence  | October 4, 2012           |

All of which is in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

CRIMINAL FORFEITURE ALLEGATION

The allegations contained in Count 1 of this Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c).

Upon conviction of the offense in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), as set forth in Count 1 of this Indictment, the defendant, JAMES EDWARD BARBER, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearm or ammunition involved in or used in knowing violation of the offense, including, but not limited to the following:

1. One Marlin Firearms Company, model 915YS, .22 caliber rifle, s/n 93689266; and
2. Three boxes of .22 caliber ammunition made by various manufacturers.

All pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

A TRUE BILL.

s/ Grand Jury Foreperson  
GRAND JURY FOREPERSON

s/ Jonas M. Walker  
JONAS M. WALKER  
Assistant U.S. Attorney  
United States of America

s/ Bryan Schroder  
BRYAN SCHRODER  
United States Attorney  
United States of America

DATE: February 19, 2020